

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Transfer Application No. 950 of 2019(O&M)
Date of Decision: 07.01.2020.**

Tajinder Kaur

... Petitioner

versus

Kamaldeep Singh

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present:- Mr. J.S. Bhinder, Advocate
for the petitioner.**

**Ms. Rakhi Sharma, Advocate (Legal Aid Counsel)
for the respondent.**

ARUN MONGA, J.

1. Applicant-wife is seeking transfer of petition filed by respondent-husband under Section 13 of Hindu Marriage Act against her for dissolution of marriage, titled as “Kamaldeep Singh Vs. Tajinder Kaur”, pending in the Court of Principal Judge, Family Court, Panchkula to the Court of competent jurisdiction at District Patiala(Punjab).

2. Learned counsel for the petitioner submits that destitute wife is residing in the jurisdiction of District Patiala and has also filed a petition under Section 125 Cr.P.C. for maintenance and one under the Protection of Women from Domestic Violence Act, 2005, which are pending adjudication at Patiala. According to learned counsel, applicant has to look after her minor son and it is not possible for her, who has no income, to travel to

Panchkula to contest the divorce petition filed by the husband.

3. I have heard learned counsel for the parties and have gone through the records.

4. The cases pending between the parties are after-math of matrimonial discord. Two cases, one for maintenance and other one under Protection of Women from Domestic Violence Act, 2005 instituted by applicant-wife are pending adjudication in the Courts at Patiala. It would, therefore, be just and proper if all the cases are tried and decided at one place i.e. at Patiala, where other cases are already pending.

5. Learned counsel for the applicant also relies upon judgment of Hon'ble Apex Court in case titled Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 SC 396, wherein it is held that transfer of matrimonial proceedings initiated by the husband against wife, convenience of the wife ought to be looked into.

6. In the premise, present application is allowed. The petition in question pending before the Court of Principal Judge, Family Court, Panchkula is ordered to be withdrawn from that Court and is transferred to the District Judge, Patiala for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

January 07, 2020
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |